

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

TYRONE RAWLS,

Plaintiff,

v.

**LOVE'S TRAVEL STOPS &
COUNTRY STORES, INC., ABC
CORPORATION, and JOHN DOE,**

Defendants.

**CIVIL ACTION FILE NO.
SUCV2022000750**

DEFENDANT'S NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Northern District of Georgia, Rome Division:

COMES NOW, LOVE'S TRAVEL STOPS & COUNTRY STORES, INC. (hereinafter "Defendant"), and files the following Notice of Removal to United States District Court, showing the Court as follows:

1. A civil action was filed on June 15, 2022, in the Superior Court of Bartow County, State of Georgia. That action is designated there as Civil Action File No.: SUCV2022000750. Defendant first received notice of the suit on the day it was served, June 23, 2022. This removal is timely filed. Plaintiff specifically pled in his Complaint

medical bills in the total amount of \$60,921.54 or greater. (Compl. ¶ 27). Plaintiff has previously submitted a demand to Defendant in the amount of \$382,126.00. In that demand, Plaintiff identified medical bills of \$47,921.54 and lost wages of \$635.76.

2. Defendant files herewith a copy of all process, pleadings, and orders received by Defendants in Civil Action File No.: SUCV2022000750, pursuant to 28 USC §1446.

3. Defendant is now, was at the commencement of Civil Action File No.: SUCV2022000750, and at all times since has been an entity organized and existing under the laws of the State of Oklahoma.

4. Defendant's Principal Office at the time of filing of Civil Action File No.: SUCV2022000750 was, and at all times since has been located in Oklahoma City, Oklahoma.

5. Upon information and belief, Plaintiff is citizen of and an individual residing in the State of Georgia. (Compl. ¶ 1).

6. The action described above is a civil action with a claim of which this Court has original jurisdiction, and it is one that may be removed to this Court by the Defendant pursuant to the provisions of 28 USC §§ 1332 and 1441 et seq., in that there

is complete diversity among the Parties, the Parties are not residents of the same State, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

- a. Plaintiff specifically pled in his Complaint medical bills in the total amount of \$60,921.54 or greater. (Compl. ¶ 27). Plaintiff has previously submitted a demand to Defendant in the amount of \$382,126.00. In that demand, Plaintiff identified medical bills of \$47,921.54 and lost wages of \$635.76.
- b. "Amount in controversy" means simply the amount sought by Plaintiff that can be legally awarded by the fact-finder. "The jurisdictional fact in this case is not whether the damages are greater than the requisite amount, but whether a fact finder might legally conclude that they are: In other words, an amount that a plaintiff claims is not 'in controversy' if no fact finder could legally award it." *Kopp v. Kopp*, 280 F.3d 883, 885 (8th Cir., 2002). "[T]he plaintiffs' likelihood of success on the merits is largely irrelevant to the court's jurisdiction because the pertinent question is what is in controversy in the case, not how much the plaintiffs are ultimately likely to recover." *Pretka v. Kolter City Plaza II, Inc.*, 608 F.3d 744, 751 (11th Cir., 2010). In a tort case the amount in controversy includes "general, special, and punitive

damages." *Williams v. Best Buy Co.*, 269 F.3d 1316, 1320 (11th Cir., 2001).

7. Defendant attaches hereto a copy of the Summons and Complaint in Superior Court of Bartow County, State of Georgia, marked as Exhibit "A".

8. Defendant attaches hereto a copy of Defendant's Notice of Removal which has been sent for filing in the Superior Court of Bartow County, State of Georgia, marked as Exhibit "B".

WHEREFORE the Defendant prays that the above action now pending against them in the Superior Court of Bartow County, State of Georgia, be removed to this Court.

This 22nd day of July, 2022.

HALL BOOTH SMITH, P.C.

/s/ Mark D. Christopher
SEAN B. COX
Georgia State Bar No. 664108
MARK D. CHRISTOPHER
Georgia State Bar No. 82138
Counsel for Defendant

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DEFENDANT DEMANDS

TRIAL BY JURY

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CERTIFICATE OF COMPLIANCE

The foregoing **DEFENDANT'S NOTICE OF REMOVAL** is double spaced in 14 point Times New Roman font and complies with the type-volume limitation set forth in Local Rule 7.1.

Respectfully submitted this 22nd day of July, 2022.

HALL BOOTH SMITH, PC

/s/ Sean B. Cox

SEAN B. COX

Georgia State Bar No. 664108

MARK D. CHRISTOPHER

Georgia State Bar No. 821387

Counsel for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **DEFENDANT'S NOTICE OF REMOVAL** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with the CM/ECF system which will automatically send electronic notification to the following:

Kristina Ducos
The Ducos Law Firm, LLC
600 Peachtree St. NE, Suite 3710
Atlanta, GA 30308
kducos@asllpc.com
Attorney for Plaintiff

This 22nd day of July, 2022.

HALL BOOTH SMITH, P.C.

/s/ Mark D. Christopher

SEAN B. COX

Georgia State Bar No. 664108

MARK D. CHRISTOPHER

Georgia State Bar No. 82138

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TRIAL BY JURY